



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



MAR 24 1997

REPLY TO THE ATTENTION OF:

AFI

PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Automotive Finishes, Inc.
Fred J. Dery, Trustee
C/o Samuel Sweet, Esq.
Beatle, Burket & Sweet
1607 E. Big Beaver, Suite 205
Troy, Michigan 48083

Re: Request for Information Pursuant to Section 104 of CERCLA
for the Automotive Finishes, Inc. Site in Dearborn, Michigan

Dear Mr. Dery:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Automotive Finishes, Inc. Site, 6430 and 6450 Wyoming Avenue, Dearborn, Wayne County, Michigan ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within **thirty** days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. U.S. EPA will study the effects of these substances on the environment and public health. In addition, U.S. EPA will identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

In December 1996, the City of Dearborn referred the Site to U.S. EPA. U.S. EPA conducted a site assessment on December 26, 1996, and confirmed the presence of hazardous substances which could pose a threat to human health and the environment. U.S. EPA is aware of the February 3, 1997, order by the United States

Bankruptcy Court, Eastern District of Michigan, Southern Division, which provides for cleanup of the Site. The information sought in the enclosed requests will assist U.S. EPA in the event that any further remediation of the site is deemed necessary after the activities stipulated in the Bankruptcy order are completed.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq. commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Debora Dawley Haidar
Emergency Enforcement & Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Legal questions may be addressed to Peter Felitti, Office of Regional Counsel, at (312) 886-5114. If you have questions about the nature of the environmental conditions at the Site, please contact Partap Lall at (313) 692-7685. If you have specific questions about the Information Request, please contact Debora Haidar at (312) 886-7179.

We appreciate and look forward to your prompt response to this information request.

Sincerely,



Richard C. Karl, Chief
Emergency Response Branch

Enclosures

RESPONDENTS TO THIS INFORMATION REQUEST

Automotive Finishes, Inc.
Fred J. Dery, Trustee
C/o Samuel Sweet, Esq.
Beatle, Burket & Sweet
1607 E. Big Beaver, Suite 205
Troy, Michigan 48083

Mr. Donald J. Klacking

Not Responsive

Attachment A
Information Request
to Automotive Finishes, Inc.

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered noncompliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e) (7) (E) and (F) of CERCLA, 42 U.S.C. §§9604(e) (7) (E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;

2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

3. measures taken by you to guard against the undesired disclosure of the information to others;

4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;

5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by a confidentiality claim will be disclosed by U.S. EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for

the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" or "Respondent" shall mean Automotive Finishes, Inc. The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of Automotive Finishes, Inc.

2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

3. The term "Site" shall mean Automotive Finishes, Inc., located at 6430 and 6450 Wyoming Avenue, Dearborn, Wayne County, Michigan.

4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

6. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last-known business and home addresses and telephone numbers; ©

present or last-known employer (include full name and address) with title, position or business.

7. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

8. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all nonidentical copies.

9. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

10. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

Attachment B
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List your EPA Identification Number(s).
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/or operators.
7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials at, to or from the Site? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b) Who supplied you with such hazardous substances;
 - c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
 - d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
 - e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and

f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

8. Identify all liability insurance policies held by Respondent from 1976 to present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

9. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

10. If you are a Corporation, respond to the following requests:

a) Provide a copy of your Articles of Incorporation and By-Laws.

b) Provide your financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service.

c) Identify all of your current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

11. If you are a Trust, provide all relevant agreements and documents to support this claim.

12. State the dates during which you owned, operated, or leased the Site or any portion thereof.

13. Did any leaks, spills, or releases of hazardous substances occur on the Site when such substances were being:

a) Delivered by a vendor;

b) Stored (e.g., in any tanks, drums, or barrels);

c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or

d) Treated.

14. Provide information about the Site, including but not limited to the following:

- a) Property boundaries, including a written legal description;
- b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);
- c) Surface structures (e.g., buildings, tanks, etc.);
- d) Ground water wells, including drilling logs;
- e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
- f) Any and all additions, demolitions, or changes of any kind on, under, or about the Site, to its physical structures, or to the property itself (e.g., excavation work); and any planned additions, demolitions, or other changes to the Site; and
- g) All maps and drawings of the Site in your possession.

15. Identify all past and present solid waste units, including but not limited to underground storage tanks (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site. For each such solid waste unit identified, provide the following information:

- a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
- b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c) The dates that the unit was in use;
- d) The purpose and past usage (e.g., storage, spill containment, etc.);
- e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit; and
- f) The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.

g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

16. Provide copies of all local, state, and federal environmental permits ever granted for the Site or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

17. Did the Site ever have "interim status" under the Resource Conservation or Recovery Act (RCRA)? If so, and the Site does not currently have interim status, describe the circumstances under which the Site lost interim status.

18. Did the Site ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

19. Provide all reports, information, or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

20. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, or air quality on or about the Site? If so, identify:

- a) What the nature and scope of these investigations will be;
- b) The contractors or other persons that will undertake these investigations;
- c) The purpose of the investigations;
- d) The dates when such investigations will take place and be completed; and
- e) Where on the Site such investigations will take place.

21. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:

- a) When such releases occurred;
- b) How the releases occurred;
- c) The amount of each hazardous substance, pollutant, or contaminant so released;
- d) Where such releases occurred;

e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.

f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and

g) All persons with information relating to these releases.

22. Has soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:

a) Amount of soil excavated;

b) Location of excavation:

c) Manner and place of disposal and/or storage of excavated soil;

d) Dates of soil excavation;

e) Identity of persons who excavated or removed the soil;

f) Reason for soil excavation;

g) Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;

h) All analyses or tests and results of analyses of the soil that was removed from the Site;

i) All persons, including contractors, with information about (a) through (h) of this request.

bcc: Peter Felitti, ORC (C-29A)
PC Lall, OSC (SE-GI)
John Maritote, EESS (SE-5J)
~~Debora Dawley Haidar, EESS (SE-5J)~~
Toni Lesser, Public Affairs, (P-19J)
Records Center (SMR-7J)
ERB Read File

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Automotive Finishes, Inc.
 Fred J. Dery, Trustee
 c/o Samuel Sweet, Esq.
 Beatle, Burket & Sweet
 1607 E. Big Beaver, Suite 205
 Troy, Michigan 48083

4a. Article Number

P 140 891 839

4b. Service Type

- | | |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

3-27-97 N. Pers

8. Addressee's Address (Only if requested and fee is paid)

Not Responsive

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

**Debora Dawley Haldar
US E.P.A. SE-5J
77 W. Jackson Blvd.
Chicago, IL 60604**



P 140 891 839

US Postal Service

Receipt for Certified Mail

Automotive Finishes, Inc.
 Fred J. Dery, Trustee
 c/o Samuel Sweet, Esq.
 Beatle, Burket & Sweet
 1607 E. Big Beaver, Suite 205
 Troy, Michigan 48083

Postage	\$ 1.00
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	2.10
Postmark or Date	

Debora Dawley Halder
 US E.P.A. SE-5J
 77 W. Jackson Blvd.

PS Form 3800, April 1995

A/F

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services. (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier *(no extra charge)*.
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.